

# FACT SHEET: SB 633

**AUTHOR: SENATOR FRAN PAVLEY**

## CEQA AND COMMUNITY EVENTS REFORM ACT OF 2013

April 8, 2013

### **THE PROBLEM**

Some local governments and sponsors of local events such as nonprofit groups, charities, schools, businesses, farmers' markets, tourism boards, and others have become concerned that litigation in 2010 may require many temporary local events fully to comply with the California Environmental Quality Act. This concern exists even though several categorical exemptions within the CEQA Guidelines would already seem to apply to these events, especially Section 15304 that exempts minor alterations to land or water including "temporary use of land having negligible or not permanent effects on the environment, including carnivals, sales of Christmas trees, etc." Thus, although the concern may be exaggerated, it is one that the Legislature may help resolve.

While CEQA applies to discretionary permits issued by local agencies for projects that may have a significant effect on the environment, it does not apply to ministerial permits. Cities understandably often have both ministerial and discretionary permits based on the sort of special event that is proposed.

The 2010 litigation determined that the permit at issue was not "ministerial" because the city retained leeway in determining whether to issue the permit due to such factors as congestion or interference with vehicular or pedestrian traffic.

Prior legislation in 2012, (SB 973, Vargas) and (AB 206 Harkey), sought CEQA exemptions for special events, but both bills failed. There were concerns that both bills sought exemptions for events with acknowledged significant effects on the environment

which under existing law would trigger some analysis under CEQA. Special events with such impacts are rare, but they exist. In addition, there were issues in the SB 973 with the definition of "temporary events," because it contained arbitrary definitions of limited duration events.

### **THE SOLUTION**

CEQA already has a process for the CEQA Guidelines amended by the Office of Planning and Research and for those amendments to be certified by the Secretary for Natural Resources.

This bill would use that process and authorize, but not require, OPR to propose revisions to the guidelines for temporary events of all sorts that it determines do not have a significant effect on the environment and are qualified to be exempt from CEQA. This should provide expert guidance to local governments about how properly to consider local events in their jurisdictions under CEQA and how to apply the existing CEQA exemptions.

On an unrelated point, the bill also clarifies the need for supplemental environmental impact reports. Current law says that a supplemental EIR has to be done when new information is available at the time the environmental impact report was certified. This bill would limit that to new information known to the lead agency or a responsible agency.

### **SUPPORT**

None received

### **OPPOSITION**

None received

